

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

JOHN SICILIANI,)
)
Plaintiff,)
)
v.) 2:14-cv-00163-GZS
)
CUMBERLAND COUNTY JAIL,)
)
Defendants)

RECOMMENDED DECISION

On May 20, 2014, the Court granted Plaintiff's request to proceed *in forma pauperis*. In its Order, the Court directed Plaintiff "to notify the court no later than June 10, 2014, whether he intends to incur the cost of the filing fee and proceed with this action, or whether he intends to forego this litigation at this time. If the plaintiff elects to proceed, he shall clearly indicate in writing that he understands his obligation to pay the full \$350.00 filing fee as funds are available, and he shall forward the initial partial filing fee of \$5.37 to the court together with his written notification indicating that he nevertheless wishes to proceed with the action. Failure to fully comply with this order will result in the issuance of a recommendation to dismiss the complaint." (ECF No. 7.) On May 22, 2014, the Court received a letter from Plaintiff, in which letter Plaintiff wrote, "[p]lease proceed in my case." (ECF No. 8.) Plaintiff also filed another application to proceed without prepayment of fees. (ECF No. 9.)

On June 23, 2014, the Court issued another Order (ECF No. 10) in which Order the Court determined that Plaintiff's filings did not comply with the court's May 20, Order. The Court, therefore, granted Plaintiff an extension to July 11, to inform the Court of his intention to incur the

cost of the filing fee and proceed with the matter or whether he intends to foregoing litigation at this time.

On July 2, 2014, Plaintiff filed a Motion to Waive Filing Fee (ECF No. 11). The Court denied the Motion, stating: “Plaintiff shall comply with the Court’s May 20, 2014, Order on or before July 18, 2014. In the event that Plaintiff fails to make the filing set forth in the Court’s May 20 Order, the recommendation will be that Plaintiff’s complaint be dismissed.”

Plaintiff failed to make the required filing on or before July 18, 2014. On July 28, 2014, the Court issued an Order to Show Cause (ECF No. 13), in which the Court ordered Plaintiff to show cause on or before August 15, 2014, why a recommendation to dismiss Plaintiff’s Complaint should not issue.

Plaintiff has made no filing in response to the Order to Show Cause. Plaintiff, therefore, has failed to show cause or otherwise comply with the prior orders of the Court. Accordingly, the recommendation is that the Court dismiss the Complaint for lack of prosecution and the failure to comply with the Court’s orders.

NOTICE

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. Section 636(b)(1)(B) for which *de novo* review by the District Court is sought, together with a supporting memorandum, within fourteen (14) days of being served with a copy thereof. A responsive memorandum shall be filed within fourteen (14) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to *de novo* review by the district court and to appeal the district court's order.

/s/ John C. Nivison
U.S. Magistrate Judge

Dated this 4th day of September, 2014.